

Shiloh S. Hernandez  
Melissa A. Hornbein  
Western Environmental Law Center  
103 Reeder's Alley  
Helena, Montana 59601  
(406) 204-4861  
[hernandez@westernlaw.org](mailto:hernandez@westernlaw.org)  
[hornbein@westernlaw.org](mailto:hornbein@westernlaw.org)

*Attorneys for Plaintiffs*

Nathaniel Shoaff (*pro hac vice*)  
Sierra Club  
2101 Webster Street, Suite 1300  
Oakland, CA 94612  
(415) 977-5610  
[nathaniel.shoaff@sierraclub.org](mailto:nathaniel.shoaff@sierraclub.org)

*Attorney for Plaintiff Sierra Club*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

MONTANA ENVIRONMENTAL  
INFORMATION CENTER, *et al.*,

Plaintiffs,

vs.

DAVID BERNHARDT *et al.*,

Defendants.

Case No. 1:19-cv-00130-SPW-TJC

**PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs Montana Environmental Information Center, Indian People's Action, 350 Montana, Sierra

Club, and WildEarth Guardians (collectively, “Conservation Groups”) move for a preliminary injunction to enjoin Federal Defendants and Intervenor-Defendant Westmoreland Rosebud Mining LLC (WRM) from implementing the mining plan for Area F of the Rosebud Mine. Pursuant to this mining plan, WRM has begun initial strip-mining operations in the prairie headwaters basin designated as Area F. A preliminary injunction is necessary to preserve the status quo until the merits of this litigation can be resolved.

The Conservation Groups are entitled to a preliminary injunction for the reasons set forth in the accompanying brief in support of this motion. The groups are likely to succeed on the merits of their claims under the National Environmental Policy Act (NEPA) and Endangered Species Act (ESA). The groups will suffer irreparable harm from WRM’s strip-mining activities, which cannot be undone, once completed. This harm outweighs any potential harm to Federal Defendants or WRM because the proposed strip-mining is unnecessary—any needed coal may be obtained from existing permit areas at the mine. The public interest in assuring the rule of law, protecting the environment, and requiring Federal Defendants to consider a just transition for the local communities strongly supports an injunction.

Accordingly, the Conservation Groups respectfully request that this Court grant an order for a preliminary injunction to maintain the status quo and enjoin

Federal Defendants and WRM from authorizing, allowing, or implementing the Area F mining plan, as well as any further relief the Court deems proper.

Respectfully submitted this 28th day of August, 2020.

/s/ Shiloh Hernandez  
Shiloh S. Hernandez  
Western Environmental Law Center  
103 Reeder's Alley  
Helena, Montana 59601  
(406) 204-4861  
hernandez@westernlaw.org

Melissa A. Hornbein  
Western Environmental Law Center  
103 Reeder's Alley  
Helena, Montana 59601  
(406) 204-4852  
hornbein@westernlaw.org

*Attorneys for Plaintiffs Montana  
Environmental Information Center, Indian  
People's Action, 350 Montana, WildEarth  
Guardians, and Sierra Club*

Nathaniel Shoaff (*admitted pro hac vice*)  
Sierra Club  
2101 Webster Street, Suite 1300  
Oakland, CA 94612  
(415) 977-5610  
nathaniel.shoaff@sierraclub.org

*Attorney for Plaintiff Sierra Club*